S.B.Cr.Misc. II Bail App. No. 2177/2006
(Satya Narain Vs. State of Rajasthan)

DATE OF ORDER : 26/05/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. M.D.Purohit Senior Advocate with Mr. Anand Purohit for the petitioner.
Mr. J.P.S.Choudhary, Public Prosecutor.

This is second bail application filed by the petitioner. The first bail application was dismissed very recently i.e. on 18.4.2006 though it was not pressed after arguing at length.

Heard learned senior counsel for the petitioner and public prosecutor for the State.

It is contended by the learned counsel for the petitioner that there is no evidence that the petitioner knew, being a member of unlawful assembly, that the offence which is actually committed was likely to be committed and at best the case against the petitioner would not travel beyond section 326 IPC. It is further contended that the sword which was recovered from the petitioner though was blood stained but it was not having its handle and therefore, it is not possible to use the sword without having a handle. Learned counsel for the petitioner has relied on a decision in Gafoor Vs. State of Rajasthan, 1983 RLW, 656.

These arguments were advanced at the time of the first bail application as well. After rejecting the first bail

application, I do not find any change in the circumstances. The decision relied on by learned senior counsel turns on its own facts and has no application to the facts and circumstances of the instant case. In the circumstances therefore, no ground to release the petitioner on bail is made out. The second bail application is therefore, dismissed. However, the trial court is directed to hold the trial of the case utmost expeditiously.

(H.R.PANWAR), J.

RP